IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6728 of 2006

RAO HARI SINGH
V/S
A.D.J.N0.2,CHITTORGARH & ORS.

Mr. JITENDRA CHOPRA, for the appellant / petitioner

Mr. VIKAS BALIA, for the respondent

Date of Order : 8.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The two learned Courts below have dismissed the prayer for injunction. Learned counsel for the petitioner has produced the copy of the list of personal properties pursuant to the judgment of the Jagir Commissioner dated 24.4.63 and contends that according to that list, the land in question being Khasra No.791, 792 and 793 belong to the plaintiff, while according to respondent, it belong to the State. In my view, in the circumstances of the case, the impugned order doesn't require any interference in my writ jurisdiction. It is apprehended that the defendant would sell the land. Suffice it to say that since the litigation is already pending, even if the land is sold, the purchaser would obviously be affected by the provisions of Section 52 of the Transfer of Property Act. In that view of the matter, no interference is required. The writ

petition is, therefore, dismissed. Since the learned counsel for the parties submit that the case is at the advance stage of trial, learned trial Court is directed to decide the suit most expeditiously.

(N P GUPTA),J.

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